

CALIFORNIA GROUND FISH DISASTER STIPEND (GDS) PROJECT
Definitions and Questions/Answers

Groundfish	Includes all species in the federal fishery management plan for West Coast groundfish.
Qualifying Years	Calendar years 1998, 1999, and 2000
Earned income	Using the Internal Revenue Service's definition, earned income includes wages, salaries, tips, professional fees, and other compensation received for personal services you performed. It also includes any amount received as a scholarship that you must include in your income.
Individual	Includes the vessel or fish processing plant owners and their employees (e.g., skippers, deck hands, office workers, dockworkers, and fish plant workers). Vessel owners must have held a valid California vessel registration in each of the three qualifying years. Employees that were commercial fishers must have held a valid California commercial fishing license in each of the three qualifying years.

1. **What does “negatively impacted by the groundfish disaster” mean?** The individual must have been associated with the taking, landing, or processing of at least \$5,000 or 10,000 pounds of groundfish in the commercial fishery, or 1,000 pieces of groundfish in the commercial passenger fishing vessels (CPFV) fishery in two of the three qualifying years. Employees of qualifying vessel owners or commercial fish processors must have received at least \$2,500 in compensation in two of the three qualifying years.
2. **What is meant by “training in a non-fishing activity?”** To qualify as non-fishing training, the training must decrease the individual's dependence on the groundfish fishery, which in turn will ensure that the size and scope of the fishery failure is not expanded. If in doubt about the training you have selected, ask your Regional Advisor. S/he will seek guidance from the California Department of Fish and Game (DFG) GDS Project Coordinator.
3. **If a vessel captain wants to obtain a 100-ton Master's License, would that qualify as training in a non-fishing activity?** Such a license would enable fishers to pursue other marine-related occupations, such as running tugboats and transport ships. This meets the objectives of decreasing dependence on the groundfish fishery.
4. **Does an individual have to be registered in WIA to receive a groundfish disaster stipend?** Yes, because the individual must be enrolled in a non-fishing training activity (WIA funded or non-WIA funded) according to his/her WIA individual employment plan.
5. **Can an individual receive a groundfish disaster stipend if they are in a WIA job search activity only?** No. The DFG application to the National Marine Fisheries Service for the Fisheries Disaster Relief project specified the groundfish disaster stipends would only be available for individuals in training.

6. **Is the groundfish disaster stipend subject to federal or state income tax?** According to the press release from U.S. Senator Ron Wyden and U.S. Rep. Darlene Hooley (Oregon), the U.S. Internal Revenue Service does not consider the groundfish disaster stipends taxable. We have requested a formal interpretation from the California Franchise Tax Board, and we will share their interpretation as soon as it is received.
7. **Will the groundfish disaster stipend reduce any TANF assistance, Medi-Cal, food stamps, housing subsidy, or similar types of assistance that I am receiving?** It is possible that these types of programs may consider the groundfish disaster stipend as income. Please check with your program-specific caseworker to determine if/how the groundfish disaster stipend might affect your program-specific benefits. Please carefully consider what is best for your household before applying for the groundfish disaster stipend program.
8. **Will the monthly groundfish disaster stipend count as income that would reduce my monthly unemployment insurance benefit amount or my monthly California training benefit amount?** The groundfish disaster stipend would be counted as income that would reduce your benefit only if it met one of two tests. (Test 1) Is the training provider funding the stipend? Since the groundfish disaster stipend is being funded by a grant from the National Marine Fisheries Service to coastal Local Boards, the training provider is not funding the stipend, unless the Local Board has received a state waiver to provide training. Please check with your case manager to ensure that the Local Board is not the training provider of your WIA approved training program. (Test 2) Is the funding source of the stipend the same as the funding source of the training program? Since the WIA approved training program may or may not be funded by Workforce Investment Act (WIA) funds, in those cases where the training program is not being funded by WIA, please check with your case manager to ensure that the funding source of the training program is not the National Marine Fisheries Service.
9. **Will an individual be required to apply for their unemployment insurance (UI) benefits?** There is no law requiring an individual to apply for UI benefits. According to each Local Board's policies, customers may be asked to apply. Refusal to apply would not affect an individual's ability to apply for and collect the groundfish disaster stipend.
10. **What constitutes family status?** All involved in the groundfish disaster stipend project will be based on the WIA definition of family status, for example:
- A single qualifying individual with no dependent children may receive up to \$1,000/month
 - A married qualifying individual may receive up to \$1,500/month
 - A qualifying divorced individual or never married parent with dependent child(ren) living **IN** the home may receive up to \$1,500/month
 - A qualifying divorced individual or never married parent with dependent child(ren) living **OUTSIDE** the home may receive up to \$1,000/month
 - A married couple with two or more dependent children may **each** receive up to \$1,500/month **IF BOTH** were qualified **AND BOTH** are in non-fishing training, up to a maximum of \$3,000
 - A married couple with only one dependent child may receive up to a maximum of \$2,500 **IF BOTH** were qualified **AND BOTH** are in non-fishing training (choose one parent to be a family status of one and the other parent to be a family status of two)
 - A married couple living together may **each** receive up to \$1,000/month **IF BOTH** were qualified **AND BOTH** are in non-fishing training

11. **What are the definitions of family, dependent children, and guardian?** Refer to the definitions in WIAD01-2, Title I Eligibility, issued 07/25/2001, excerpted here as:

FAMILY—The term *family* means two or more persons related by blood, marriage, or decree of court, who are living in a single residence, and are included in one or more of the following categories:

A husband, wife, and dependent children.

A parent or guardian and dependent children.

A husband and wife.

[Reference: WIA Section 101(15)]

DEPENDENT CHILDREN—*Dependent children shall be defined as individuals, aged 0-21, whose circumstances fall into one of the following categories:*

A. *Under the age of 18, who are not emancipated minors (emancipated minor is defined below), and are living in a single residence with their parent(s) or guardian(s).*

B. *Age 18-19 who are full-time students in a secondary school or equivalent, and are living in single residence with their parent(s) or guardian(s).*

C. *Age 18-21, who are not full-time students in a secondary school or equivalent, and are living in a single residence with their parent(s) or guardian(s), shall have their dependency established according to locally established policy and procedures.*

If the 18-21 year-old is a dependent family member (e.g., the youth is claimed as a dependent on the parent's income tax), then income is calculated based on wages, salaries, tips, etc. of all family members. If the older youth is determined not to be a dependent family member (e.g., the youth is not claimed as a dependent on the parent's income tax), the older youth's income is based on his or her own wages, salaries, tips, etc.

It is not possible to develop policy that will cover every situation. At some point, common sense, humanity and good case records must compensate for the deficiencies of policies to anticipate every situation.

Include below local policy and procedures for determining the dependency of older youth age 18-21 who are not full-time students in a secondary school or equivalent, and are living in a single residence with their parent(s) or guardian(s).

Local dependency policy and procedures:

GUARDIAN—*The term "guardian" includes caregiver relatives. The term applies to situations where an older or younger youth is permanently or indefinitely residing with a family member other than his or her parents or legal guardians.*

12. **How much can a Local Board reserve for administering/overseeing this program?** Each Local Board may reserve no more than five percent (5%) of their total amount for administering/overseeing this program.

13. **Can I participate in the groundfish disaster stipend program and still fish part-time?**
Yes. Individuals may earn income from commercial fishing during training that does not exceed the groundfish disaster stipend allowance. Earned income must be reported on the Monthly Attendance and Groundfish Disaster Stipend Calculation Worksheet, and any excess will reduce the stipend amount dollar for dollar.

- 14. How did you decide which coastal Local Boards would receive funds and how much they received?** The database and assumptions used to develop the formula for the initial distributions consisted of processor receipts, commercial vessel landings, and number of charter boats in the Local Area. These were arrayed by percentage share. Only those Local Boards computed to receive a share of four percent (4%) or greater were recommended for initial distribution. This resulted in nine Local Boards. The remaining funds will be available as needs arise.
- 15. What is a groundfish?** A groundfish is one of 82 species of marine fish that lives near or orients to the ocean floor, hence "groundfish." The more common species include rockfish (also known as "red snapper"), lingcod, and petrale, English and Dover sole. Pacific whiting (hake) is commonly processed into surimi. (Surimi are those seafood items that look like crab, scallops, etc., but are really mostly white fish fillets, and are thought of by most people as some sort of modern high tech imitation product. They go by such names as sea legs, imitation crab, imitation shrimp, etc. In reality, this process was developed in Japan several hundred years ago when the Japanese discovered that mincing fish flesh, washing it and then heating it, caused a natural gelling of the flesh. If this was then mixed with other ingredients and steamed, the resulting 'fish cake' [kamaboko] stayed together as though it were a natural product.) Sablefish or "blackcod" is the most valuable individual species and is often times sold in fish markets under the name "butterfish," although most sablefish are exported to Asia. Nine species have been declared overfished on the West coast: Bocaccio rockfish off California south of Humboldt County, canary rockfish, darkblotched rockfish, yelloweye rockfish, cowcod (a southern California rockfish), widow rockfish, Pacific whiting, Pacific Ocean perch (which occur north of California), and lingcod.
- 16. At the October 18, 2002, training session a specific question was asked by example. If an individual's last means of employment was in groundfishing and his/her absolute last date of employment was in December 2000 and s/he has had no other means of employment since then, can they be co-enroll in the WIA adult formula program (grant code 201) rather than in the WIA dislocated worker formula program (grant code 501) since his/her dislocation event would have been December 2000, and the pre-dislocation earnings might have been inordinately high? This example might inappropriately skew the denominator for gross earnings in 2nd and 3rd quarters pre-dislocation and negatively impact the Local Board's dislocated worker earning replacement rate performance.** The groundfish disaster stipend project was developed for those affected individuals who were dislocated from the groundfishing industry. In the rare example above, you may elect to co-enroll in the WIA adult formula program grant code 201 instead of the WIA dislocated worker program grant code 501; however, you must ensure that the WIA application clearly identifies that the individual meets both adult and dislocated worker eligibility. (As a reminder, it more likely that any eligible dislocated worker would also be an eligible adult, but the reverse is not necessarily true -- any eligible adult is also an eligible dislocated worker.) Please identify those individuals who you feel fit this example and have chosen to co-enroll in the WIA adult program and not the WIA dislocated worker program in the comments section of the expenditure report for grant code 509. Unless identified as such, all others will be assumed as co-enrolled in the WIA dislocated worker formula program, grant code 501, as instructed in the suggested procedures.